



Federal Communications Commission
Washington, D.C. 20554

DA 08-1351

June 6, 2008

Joseph A. Godles, Esq.
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1229 19th Street, N.W.
Washington, D.C. 20036-2413

Re: Call Sign E080131
File No. SES-LIC-20080530-00691

Dear Mr. Godles:

On May 30, 2008, Tokyo Broadcasting System, Inc. (Tokyo Broadcasting) filed the above-captioned application to operate a transmit-only temporary-fixed earth station in the conventional Ku-Band.¹ Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application without prejudice to refiling.²

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, that contains internal inconsistencies, or that does not substantially comply with the Commission's rules. Tokyo Broadcasting's application does not comply with the Commission's rules and contains an internal inconsistency, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

In response to Question E15 of Schedule B, Tokyo Broadcasting indicates that its proposed 1.0 meter antenna does not comply with the antenna gain patterns specified in Section 25.209(a) and (b) of the Commission's rules, 47 C.F.R. § 25.209(a) and (b). Pursuant to Section 25.132(b)(3) of the Commission's rules, 47 C.F.R. § 25.132(b)(3), Tokyo Broadcasting is required to submit the antenna radiation patterns for the proposed 1.0 meter antenna with its application when an antenna does not comply with Section 25.209(a) and (b). This information was not filed with the application.

In response to item E48 of Schedule B, Tokyo Broadcasting lists the maximum EIRP per carrier for emission 7M72G7W as 82.0 dBW. This value is higher than, and therefore inconsistent with, the 62.6 dBW Total EIRP for All Carriers listed in response to item E40. Given this inconsistency, we cannot determine the proposed emission power for emission 7M72G7W. Thus,

¹ 14.0-14.5 GHz.

² If Tokyo Broadcasting refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).

the portion of Tokyo Broadcasting's application seeking to use the 7M72G7W emission in the 14.0-14.5 GHz band is defective.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. §25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. §0.261, we dismiss Tokyo Broadcasting's application without prejudice to refiling.

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division
International Bureau